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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,870

03/23/2004

Paul B. Rivers

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EXAMINER

CAJILIG, CHRISTINE T

ART UNIT

PAPER NUMBER

3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

04/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/806,870	Applicant(s) RIVERS ET AL.	
	Examiner Christine T. Cajilig	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 3, 11, 19 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not identify the mailing address of each inventor. A mailing address is an address at which an inventor customarily receives his or her mail and may be either a home or business address. The mailing address should include the ZIP Code designation. The mailing address may be provided in an application data sheet or a supplemental oath or declaration. See 37 CFR 1.63(c) and 37 CFR 1.76.

It does not identify the citizenship of each inventor.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 15, and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 and accordingly, dependent claims 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is indefinite because the preamble only recites a wire channel device and the intended use of the device. However, the body of the claims positively recites a rearwardly facing

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hook portion of an upper siding panel and defines the placement of the wire channel device with respect to an upper siding panel. Therefore, it is unclear whether the claims are directed to a combination of the wire channel device and the upper siding panel or just a wire channel device per se. For purpose of examination the claims are considered as directed to the wire channel device.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Edwards (U.S. Patent No. 6,158,180).

Regarding claim 1, Edwards in Figure 6 discloses a wire channel device for use with an upper siding panel and a lower siding panel, the wire channel device comprising an upwardly extending arm (26) having a top portion (a), a bottom portion (b), an inner surface (c), and an outer surface (20), the outer surface (20) of the top portion (a) having a wedgeable projection (30, 28) to engage and to secure the wire channel device between an upper siding panel and a lower siding panel; a transverse leg (90) extending outwardly from the outer surface of the bottom portion of the arm towards a downwardly extending leg (42) of a wire channel; the wire channel having the downwardly extending leg (42), a channel portion (44), and a rear upwardly extending

leg (40), wherein the downwardly extending leg (42) is longer than the rear upwardly extending leg (40) and wherein an interior (3) of the channel portion (44) defines a channel to retain a wire. The phrase "to engage and to secure the wire channel device between an upper siding panel and a lower siding panel" is regarded to as functional language and while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP §2114. Furthermore, the projection (30, 28) could perform the function stated above.

Regarding claim 2, Edwards in Figure 6 discloses a wire channel wherein the channel portion comprises a substantially "U"-shaped channel (44).

Regarding claim 12, Edwards in Figure 6 discloses a wire channel wherein the projection comprises at least one substantially hook-shaped lip (30, 28).

Regarding claim 13, Edwards in Figure 6 discloses a wire channel wherein the hook-shaped lip (30, 28) has an interior angle relative to the outer surface of the top portion of at least fifteen degrees.

Regarding claim 14, Edwards in Figure 6 discloses a wire channel comprises at least one of the following materials: metal, polymer, plastic (Col 12, Ln 1-9).

Regarding claim 15, Edwards in Figure 6 discloses a wire channel comprising at least one upwardly extending arm (26) having a wedgeable projection (30, 28) capable of engaging and securing the wire channel device between the upper siding panel and the lower siding panel; a transverse leg (90) extending outwardly from the arm towards a downwardly extending leg (42) of a wire channel, wherein the transverse leg is

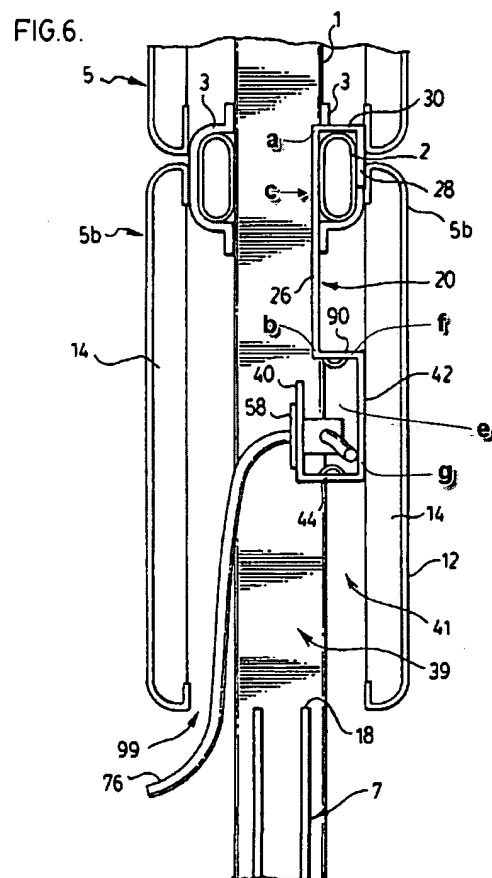
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capable of extending beneath a rearwardly facing hook portion of the upper siding panel; the wire channel having the downwardly extending leg (42), a channel portion (44), and a rear upwardly extending leg (40), wherein the downwardly extending leg (42) is longer than the rear upwardly extending leg (40) and wherein the channel portion (44) defines a channel (e) to retain a wire. As noted above, for purpose of examination the claims are considered as directed to the wire channel device; therefore, the phrases, "for use with an upper siding panel and a lower siding panel, the upper siding panel having a rearwardly-facing hook portion and a lip portion and the lower siding panel having a hooked portion complementary to the lip portion of the upper siding panel," "to engage and to secure the wire channel device between the upper siding panel and the lower siding panel," and "wherein the transverse leg extends beneath a rearwardly-facing hook portion of an upper siding panel" shall be considered as functional language or intended use. And while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. Examiner refers Applicant to MPEP §2114.

Regarding claim 16, Edwards in Figure 6 discloses a wire channel comprising the at least one upwardly extending arm (26) having a top portion (a), a bottom portion (b), an inner surface (c), and an outer surface (20), the outer surface (20) of the top portion (a) having the wedgeable projection (30, 28) capable of engaging and securing the wire channel device between the lip portion of the upper siding panel and the complimentary hooked portion of the lower siding panel, and a portion of the outer surface (20) of the

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bottom portion (b) connected with the transverse leg (90). The phrase "to engage and to secure the wire channel device between the lip portion of the upper siding panel and a complimentary hooked portion of a lower siding panel" is regarded to as functional language and while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP §2114. Furthermore, the projection (30, 28) could perform the function stated above.



Edwards (U.S. Patent No. 6,158,180).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke (U.S. Patent No. 1,772,687) in view of Sugiyama (U.S. Patent No. 4,913,386).

Regarding claim 1, Reinke in Figure 7 discloses a wire channel device for use with an upper siding panel and a lower siding panel, the wire channel device comprising: an upwardly extending arm (13) having a top portion (a), a bottom portion (b), an inner surface (c), and an outer surface (d), the outer surface (d) of the top portion (a) having a wedgeable projection (14) to engage and to secure the wire channel device between an upper siding panel and a lower siding panel; a transverse leg (f) extending outwardly from the outer surface of the bottom portion of the arm towards a downwardly extending leg (12) of a wire channel; the wire channel having the downwardly extending leg (12), but does not disclose a channel portion and a rear upwardly extending leg, wherein the downwardly extending leg is longer than the rear upwardly extending leg and wherein an interior of the channel portion defines a channel to retain a wire. However, Sugiyama disclose a securing device with a channel (a) and a rear upwardly extending leg (2') wherein an interior of the channel portion defines a channel to retain

tubular members (P). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify Reinke to have a channel portion with a rear upwardly extending leg as taught by Sugiyama to provide a clamping means to better secure wires that will be held within the channel. The phrase "to engage and to secure the wire channel device between an upper siding panel and a lower siding panel" is regarded to as functional language and while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP §2114. Furthermore, the projection (30, 28) could perform the function stated above.

Regarding claim 2, Reinke already modified by Sugiyama discloses a wire channel as discussed above and further discloses that the channel portion comprises a substantially "U"-shaped channel.

Regarding claim 4, Reinke already modified by Sugiyama discloses a wire channel as discussed above and further discloses that the channel portion comprises a substantially "V"-shaped channel.

Regarding claim 12, Reinke already modified by Sugiyama discloses a wire channel as discussed above and further discloses that the wedgeable projection comprises at least one substantially hook-shaped lip (14).

Regarding claim 13, Reinke already modified by Sugiyama discloses a wire channel as discussed above and further discloses that the hook-shaped lip has an interior angle relative to the outer surface of the top portion of at least fifteen degrees.

Regarding claim 14, Reinke already modified by Sugiyama discloses a wire channel as discussed above and further discloses that the wire channel device is made out of metal (Page 1, lines 27-29).

Regarding claim 15, Reinke discloses a wire channel comprising at least one upwardly extending arm (2) having a wedgeable projection (14) capable of engaging and securing the wire channel device between the upper siding panel and the lower siding panel; a transverse leg (f) extending outwardly from the arm towards a downwardly extending leg (12) of a wire channel, wherein the transverse leg is capable of extending beneath a rearwardly facing hook portion of the upper siding panel; the wire channel having the downwardly extending leg (12), but does not disclose a channel portion, and a rear upwardly extending leg, wherein the downwardly extending leg is longer than the rear upwardly extending leg and wherein the channel portion defines a channel to retain a wire. However, Sugiyama disclose a securing device with a channel (a) and a rear upwardly extending leg (2') wherein an interior of the channel portion defines a channel to retain tubular members (P). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the Applicant's invention to modify Reinke to have a channel portion with a rear upwardly extending leg as taught by Sugiyama to provide a clamping means to better secure wires that will be held within the channel. As noted above, for purpose of examination the claims are considered as directed to the wire channel device; therefore, the phrases, "for use with an upper siding panel and a lower siding panel, the upper siding panel having a rearwardly-facing hook portion and a lip portion and the lower siding panel having a hooked portion

complementary to the lip portion of the upper siding panel,” “to engage and to secure the wire channel device between the upper siding panel and the lower siding panel,” and “wherein the transverse leg extends beneath a rearwardly-facing hook portion of an upper siding panel” shall be considered as functional language or intended use. And while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. Examiner refers Applicant to MPEP §2114.

Regarding claim 16, Reinke already modified by Sugiyama disclose a wire channel as discussed above and further discloses that the at least one upwardly extending arm having a top portion (a), a bottom portion (b), an inner surface (c), and an outer surface (d), the outer surface of the top portion (a) having the wedgeable projection (14) capable of engaging and securing the wire channel device between the lip portion of the upper siding panel and the complimentary hooked portion of the lower siding panel, and a portion of the outer surface of the bottom portion connected with the transverse leg. The phrase “to engage and to secure the wire channel device between the lip portion of the upper siding panel and a complimentary hooked portion of a lower siding panel” is regarded to as functional language and while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. See MPEP §2114.

Claims 5, 6, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke in view of Sugiyama as applied to claim 1 above, and further in view of Brooks (U.S. Patent No. 5,823,655).

Regarding claims 5 and 17, Reinke already modified by Sugiyama discloses a wire channel as discussed above and also including transverse leg (f) comprising a first lateral side (h) and a second lateral side (i) but does not disclose the first lateral side having a female repository and the second lateral side having a male projection, wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device such that the first wire channel snap fits into alignment and secures with the second wire channel. However, Brooks in Figure 10 discloses channeled molding having a transverse leg (114) further comprising a first lateral side (115) and a second lateral side (a), the first lateral side having a female repository (126 (b)) and the second lateral side having a male projection (122 (b)), wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device such that the first wire channel snap fits into alignment and secures with the second wire channel (Col 7, Ln 54-56). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the wire channel of Reinke already modified by Sugiyama to include the first lateral side having a female repository and the second lateral side having a male projection, wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device such that the

first wire channel snap fits into alignment and secures with the second wire channel as taught by Brooks to provide a means for extending the length of the channel.

Regarding claims 6 and 18, Reinke already modified by Sugiyama discloses a wire channel as discussed above and also disclose that the channel portion further comprises a first lateral side (h) and a second lateral side (i) but does not disclose the first lateral side having a female repository and the second lateral side having a male projection, wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device to align and secure the first wire channel device with the second wire channel device. However, Brooks in Figure 10 discloses channeled molding having a first lateral side (115) and a second lateral side (a), the first lateral side having a female repository (126 (c)) and the second lateral side having a male projection (122 (c)), wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device such that the first wire channel snap fits into alignment and secures with the second wire channel (Col 7, Ln 54-56). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the wire channel of Reinke already modified by Sugiyama to have the channel portion further comprise a first lateral side having a female repository and the second lateral side having a male projection, wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device such that the first wire channel snap fits into alignment and secures with the second wire channel as taught by Brooks to provide a means for extending the length of the channel. Furthermore, it has been held that the

mere rearrangement of parts, such as the male projection and the female repository, would be a matter of design choice as the shifting of the positions would not have modified the operation of the device. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke already modified by Sugiyama in view of the opinions held by the court.

Regarding claim 7, Reinke already modified by Sugiyama discloses a wire channel as discussed above but does not disclose the length of the upwardly extending arm being at least one inch. It would have been an obvious matter of design choice to modify the wire channel of Reinke already modified by Sugiyama to have the length of the upwardly extending arm at least one inch, since such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claim 8, Reinke already modified by Sugiyama discloses a wire channel as discussed above but does not disclose the length of the transverse arm being at least one inch. It would have been an obvious matter of design choice to modify the wire channel of Reinke already modified by Sugiyama to have the length of the transverse arm at least one inch, since such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as

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being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

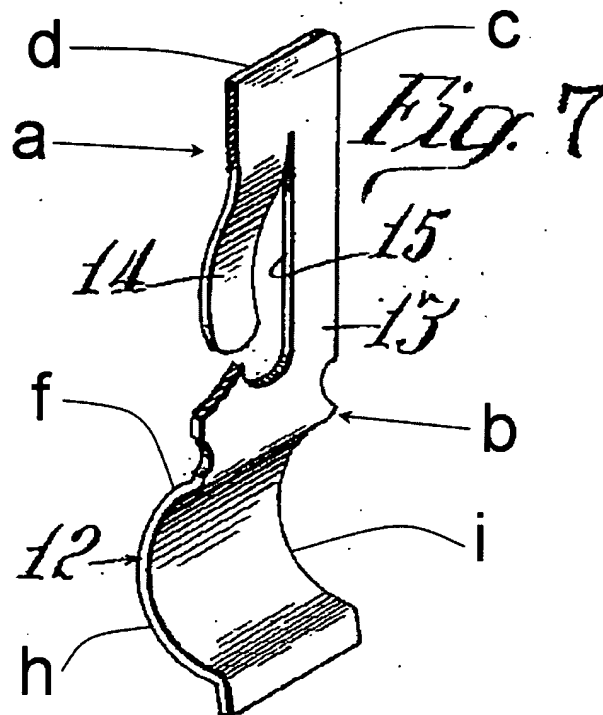
Regarding claim 9, Reinke already modified by Sugiyama discloses a wire channel as discussed above but does not disclose the downwardly extending leg being at least one and a half inches. It would have been an obvious matter of design choice to modify the wire channel of Reinke already modified by Sugiyama to have the length of the downwardly extending leg at least one and a half inches, since such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reinke in view of Sugiyama as applied to claim 1 above, and further in view of Zimmerman (U.S. Patent No. 6,329,599 B1). The prior art of Zimmerman will be used in reverse orientation.

Regarding claim 10, Reinke already modified by Sugiyama discloses a wire channel as discussed above but does not disclose the downwardly extending leg extending downward at an angle of at least thirty degrees toward the transverse leg. However, Zimmerman in Figure 29 discloses a flanged conduit having the downwardly extending leg (283) extending downward at an angle of at least thirty degrees toward the arm (297). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the wire channel of Reinke

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already modified by Sugiyama to include the downwardly extending leg extending downward at an angle of at least thirty degrees toward the transverse leg to provide a channel with a variety of configurations (Col 2, Ln 19-21).



Reinke (U.S. Patent No. 1,772,687)

Claims 4 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards ('180) in view of Zimmerman (U.S. Patent No. 6,329,599 B1). The prior art of Zimmerman will be used in reverse orientation.

Regarding claim 4, Edwards discloses a wire channel as discussed above but does not disclose a channel portion comprising a substantially "V"-shaped channel. However, Zimmerman in Figure 29 discloses a flanged conduit having a channel portion (a) comprising a substantially "V"-shaped channel (19). Therefore, it would have been

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obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the wire channel of Edwards to include a channel portion comprising a substantially "V"-shaped channel as taught by Zimmerman to provide a channel with a variety of configurations (Col 2, Ln 19-21).

Regarding claim 10, Edwards discloses a wire channel as discussed above but does not disclose the downwardly extending leg extending downward at an angle of at least thirty degrees toward the transverse leg. However, Zimmerman in Figure 29 discloses a flanged conduit having the downwardly extending leg (283) extending downward at an angle of at least thirty degrees toward the arm (297). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the wire channel of Edwards to include the downwardly extending leg extending downward at an angle of at least thirty degrees toward the transverse leg to provide a channel with a variety of configurations (Col 2, Ln 19-21).

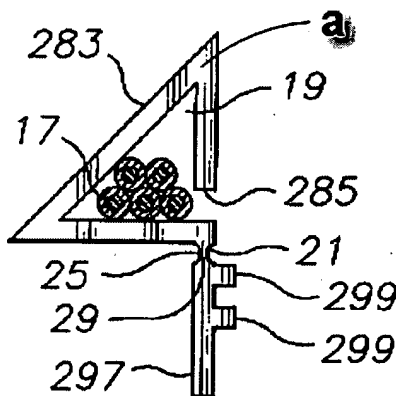


FIG. 29

Zimmerman (U.S. Patent No. 6,329,599 B1)

Claims 5, 6, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards ('180) in view of Brooks (U.S. Patent No. 5,823,655).

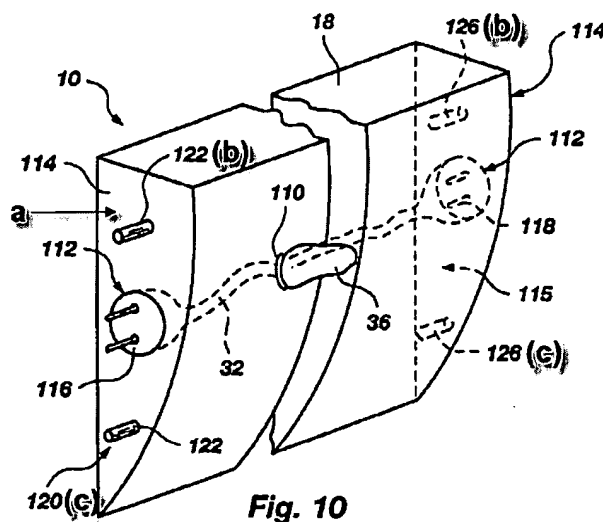
Regarding claims 5 and 17, Edwards discloses a wire channel as discussed above and also including transverse leg (90) comprising a first lateral side (f) and a second lateral side (opposite side of (f)) but does not disclose the first lateral side having a female repository and the second lateral side having a male projection, wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device such that the first wire channel snap fits into alignment and secures with the second wire channel. However, Brooks in Figure 10 discloses channeled molding having a transverse leg (114) further comprising a first lateral side (115) and a second lateral side (a), the first lateral side having a female repository (126 (b)) and the second lateral side having a male projection (122 (b)), wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device such that the first wire channel snap fits into alignment and secures with the second wire channel (Col 7, Ln 54-56). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the wire channel of Edwards to include the first lateral side having a female repository and the second lateral side having a male projection, wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device such that the first wire channel snap fits into

alignment and secures with the second wire channel as taught by Brooks to provide a means for extending the length of the channel.

Regarding claims 6 and 18, Edwards discloses a wire channel as discussed above and also disclose that the channel portion further comprises a first lateral side (g) and a second lateral side (opposite side of (g)) but does not disclose the first lateral side having a female repository and the second lateral side having a male projection, wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device to align and secure the first wire channel device with the second wire channel device. However, Brooks in Figure 10 discloses channeled molding having a first lateral side (115) and a second lateral side (a), the first lateral side having a female repository (126 (c)) and the second lateral side having a male projection (122 (c)), wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device such that the first wire channel snap fits into alignment and secures with the second wire channel (Col 7, Ln 54-56). Therefore, it would have been obvious to a person having ordinary skill in the arts at the time of the applicant's invention to modify the wire channel of Edwards to have the channel portion further comprise a first lateral side having a female repository and the second lateral side having a male projection, wherein the male projection of a first wire channel device mates with the female repository of a second wire channel device such that the first wire channel snap fits into alignment and secures with the second wire channel as taught by Brooks to provide a means for extending the length of the channel. Furthermore, it has been held that the mere rearrangement of parts, such

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as the male projection and the female repository, would be a matter of design choice as the shifting of the positions would not have modified the operation of the device. *In re Japikse*, 181 F.2d 1019, 86 USPQ 70 (CCPA 1950).



Brooks (U.S. Patent No. 5,823,655)

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Edwards ('180) in view of the opinions held by the court.

Regarding claim 7, Edwards discloses a wire channel as discussed above but does not disclose the length of the upwardly extending arm being at least one inch. It would have been an obvious matter of design choice to modify the wire channel of Edwards to have the length of the upwardly extending arm at least one inch, since such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claim 8, Edwards discloses a wire channel as discussed above but does not disclose the length of the transverse arm being at least one inch. It would have been an obvious matter of design choice to modify the wire channel of Edwards to have the length of the transverse arm at least one inch, since such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Regarding claim 9, Edwards discloses a wire channel as discussed above but does not disclose the downwardly extending leg being at least one and a half inches. It would have been an obvious matter of design choice to modify the wire channel of Edwards to have the length of the downwardly extending leg at least one and a half inches, since such a modification would have involved a mere change in the size of the component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

Response to Arguments

Applicant's arguments filed 1/11/07 have been fully considered but they are not persuasive. Regarding Applicant's argument that Edwards does not disclose very element of the amended claims 1 and 15, the Examiner respectfully disagrees. The term wedgeable does not patently distinguish the claim over Edwards. The term wedgeable is defined as being able be crowded or squeezed into a limited space (The American Heritage Dictionary of the English Language 2003, from

<http://www.xreferplus.com/entry/4147199>). The wire channel of Edwards is made of a sheet of thin metal (Col 12, Ln 1-6), thus the projection of Edwards is able to be wedged or crowded into a limited space. Furthermore, the language added to claim 15 appears directed to the method of using the wire channel device as the claim is directed toward "a wire channel device."

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Etzel (US D373948) a siding channel; Berg (US D455065) a wire hook; Koessler (US D265969) a wire mouning clip; Mitchell (US 2672314) a siding wire hanger.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christine T. Cajilig whose telephone number is (571) 272-8143. The examiner can normally be reached on Monday - Friday from 9am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CTC 
3/29/07

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